

**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
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**OFFICER: DARIN LAZAR  
TAX NUMBER: 943470**

**DISCLOSURES**

In connection with the above person, whom the People may call as a witness, please be aware of the following:

1. The New York Police Department (NYPD) has deemed substantiated an allegation that Darin Lazar, on or about and between October 26, 2007 and February 1, 2011, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, in that he obtained insurance for his personal vehicle using an address in one county of New York, and had said vehicle registered to said address when, in fact, he resided in a different county. He pleaded guilty to this allegation.
2. It is no longer in his NYPD record, but DANY records indicate that the New York Police Department deemed substantiated an allegation that Darin Lazar in 2008, used an expired police parking plaque to park his personal vehicle where there was posted a sign stating, No Standing/Taxi Stand.
3. It is no longer in his NYPD record, but DANY records indicate that in 2011, then P.O. Lazar issued a summons to a taxi driver, who alleged that P.O. Lazar called him a "stupid Arab...or something like that." This allegation resulted in a mediation attempt by the Civilian Complaint Review Board.
4. Darin Lazar is a named defendant in the civil action Stephen Law v. the City of New York, et al., 14CV09382 filed in the U.S. District Court for the Southern District of New York, involving an incident that occurred on September 14, 2013.
6. The New York Police Department has deemed substantiated an allegation that Darin Lazar, while assigned to the 9th Precinct, on or about December 22, 2014, wrongfully made inaccurate or misleading statements to New York City Police Department Sergeant Robert Garcia as to the circumstances of an arrest, thereby causing inaccurate entries to be made in Department record that said police officer provided inaccurate information that was incorporated into an UF-49 about an injured person. In connection with the same matter, he also pleaded guilty to a CCRB charge that he wrongfully used force in that he pushed [a man] without police necessity.

This allegation arose out of an incident at a McDonald's restaurant. McDonald's staff had called 911 after a man, who had slept in the restaurant overnight, refused to leave the restaurant and was arguing with the staff and other patrons. Then-P.O. Lazar's report of the arrest stated in pertinent part:

When A/O [P.O. Lazar] attempted to physically remove defendant he put his closed fists up in a menacing fashion placing A/O in fear of physical injury. Deft. did start yelling at A/O 'GET THE F--K AWAY FROM ME. I WILL F---ING KILL YOU.' A/O used the least amount of force to affect (sic) the arrest by pushing perp to the ground. Perp's head did accidentally strike part of a glass door breaking it. Perp had small laceration to his head.

He gave a similar account to a Sergeant who responded to the scene and to the ADA who interviewed him over the phone in ECAB.

A criminal court complaint was drafted, charging the defendant with one count of Menacing in the Third Degree and one count of Criminal Trespass in the Third Degree. The relevant portion of the criminal court complaint reviewed and signed by P.O. Lazar reads as follows:

When I asked the defendant to leave the premises, the defendant refused and began screaming, in substance: "F--k you. Get away from me." I observed the defendant raise his arms up in front of his body with closed fists and began yelling in substance to me, 'Get the f--k away from me. I will f---ing kill you' placing me in fear of physical injury.

Footage from the McDonald's video surveillance system shows P.O. Lazar and the other officer entering the restaurant where an employee points them to where the defendant was sleeping. For approximately forty-five seconds, P.O. Lazar stood between two tables, appearing to bend over toward where the defendant was sleeping. P.O. Lazar then pulled the defendant by his collar, head first, off the seats and toward the front doors. The video shows no movement from the defendant as he was being dragged across the floor.

It appears from the video that P.O. Lazar let go of the defendant's collar as they neared the interior glass doors, so that he could open the doors, leaving the defendant lying outstretched on the ground. At that point, it appears that the defendant woke up, sat up slightly and turned onto his right side, with his back toward the doors. P.O. Lazar then walked in front of the defendant and it appears that the defendant was speaking to him. The defendant then sat up and it appears that there was continuing conversation between the defendant and P.O. Lazar, with P.O. Lazar bent at the waist leaning down toward the arrested man. The arrested man's right hand is visible during this time. He was moving it up and down, with his pinky extended and his middle three fingers curled slightly downward. The defendant eventually lowered his right hand until it is no longer visible on the video. The arrested man's left hand is never visible on the video.

Several seconds after the defendant lowered his right hand and it disappeared from the video, P.O. Lazar lunged forward, grabbed the defendant, and took him to the ground. The defendant was driven backward, causing his head to strike a glass partition between the two front doors, breaking it. P.O. Lazar rolled the defendant onto his side and sat him up to handcuff him. In the video, the defendant appears to go limp, falling back and to his left, causing his head to hit and partially open one of the glass doors. P.O. Lazar rear cuffed the defendant as he lay on his left side. Once handcuffed, the

defendant sat up and slid to his left and leaned back against the doorframe. P.O. Lazar and the defendant continued to speak to one another, with P.O. Lazar standing over him. Following the takedown, the video shows no other physical contact between the defendant and P.O. Lazar. Additional officers and EMTs arrived shortly thereafter.

The incident was investigated by the NYPD and the Official Corruption Unit of the New York County District Attorney's office. Among the people interviewed at some point were the officers on the scene, several McDonald's workers, and a customer who had called 911. Although witnesses generally agreed that the defendant was not compliant and was, at times, yelling and cursing at the police, no one heard the threat to kill P.O. Lazar. The other officer at the scene reported seeing the defendant's left hand in a fist as the defendant lay on the floor, but did not see the defendant raise that hand. He also did not recall where the arrested man's right hand was immediately before P.O. Lazar grabbed him.

On or about September 17, 2015 the Civilian Complaint Review Board deemed substantiated the allegation that PO Lazar wrongfully used force for having pushed the defendant without police necessity. He pleaded guilty to that allegation. On or about May 4, 2016, P.O. Lazar was charged by NYPD with having wrongfully made inaccurate or misleading statements to the sergeant as to the circumstances of the arrest. On October 18, 2016, P.O. Lazar pleaded guilty to the latter charge.

Should additional information subject to disclosure regarding this person become available, you will be advised accordingly.

Any information regarding civil law suit(s) against the officer is not necessarily a complete list of civil law suits in which that officer is a defendant.

The People reserve the right to oppose or move to limit the use in the case at hand of this information and any other information disclosed in the future.

If you have any questions in this regard, please contact the Assistant District Attorney assigned to the case in connection with which you are receiving this disclosure.